

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

DOUGLAS I. HORNSBY,  
ADMINISTRATOR OF THE ESTATE OF  
CYNTHIA GARY,

Plaintiff,

v.

Case No. 2:22-cv-00427-RBS-LRL

UNITED STATES OF AMERICA,

Defendants.

**CECO ENVIRONMENTAL CORPORATION'S CONSENT MOTION FOR LEAVE FOR  
EXTENSION OF TIME TO FILE REPLY BRIEF**

Defendant CECO Environmental Corporation, by counsel, and with the consent of the Plaintiff, hereby requests this Court accept its Reply Brief as timely filed (ECF No. 79). In support thereof, CECO states as follows:

1. On May 26, 2023, CECO filed its Answer and its Partial Motion to Dismiss.
2. On June 9, 2023, Plaintiff filed his Opposition to CECO's Partial Motion to Dismiss (see ECF No. 77).
3. From June 9 through June 11, the undersigned's access to his firm's server was interrupted due to scheduled maintenance.
4. Due to this interruption, attorney W. Benjamin Woody prepared an initial draft reply brief originating from his laptop's hard drive that was not accessible to the rest of the members of the firm.
5. On June 15, Woody was unexpectedly hospitalized and unable to work. The draft reply had not been shared on the firm's server. See Declaration of W. Benjamin Woody, attached as Exhibit 1.

6. CECO submitted its Reply on June 16, one day late.

7. Excusable neglect exists to extend time for CECO to file its Reply brief, given “the very small length of delay and very minor impact on proceedings.” *Pritchett Controls, Inc. v. Hartford Accident & Indem. Co.*, Civil No. CCB-17-2089, 2017 WL 5591872, at \*2 (D. Md. Nov. 21, 2017).

8. No prejudice will befall any party, as counsel for Plaintiff has graciously consented to the relief requested.

WHEREFORE, for the foregoing reasons, Defendant CECO Environmental Corporation respectfully requests this Court grant a one-day enlargement of time to file its Reply Brief, that it accept the document filed as ECF No. 79 as timely filed, and for all further relief the Court deems just and proper.

**CECO ENVIRONMENTAL CORP.**

By Counsel

/s/W. Benjamin Woody  
W. Benjamin Woody (VSB No. 91306)  
Harman, Claytor, Corrigan & Wellman  
1900 Duke Street, Suite 210  
Alexandria, Virginia 22314  
804-747-5200 - Phone  
804-747-6085 - Fax  
bwoody@hccw.com

Stanley P. Wellman (VSB No. 27618)  
Dannel C. Duddy (VSB No. 72906)  
Counsel for CECO Environmental Corporation  
Harman, Claytor, Corrigan & Wellman  
P.O. Box 70280  
Richmond, Virginia 23255  
804-747-5200 - Phone  
804-747-6085 - Fax  
swellman@hccw.com  
dduddy@hccw.com

**C E R T I F I C A T E**

I hereby certify that on the 21st day of June, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Robert J. Haddad, Esq.  
Andrew M. Hendrick, Esq.  
Ruloff, Swain, Haddad, Morecock, Talbert &  
Woodward, P.C.  
317 30th Street  
Virginia Beach, VA 23451  
rhaddad@srgslaw.com  
ahendrick@srgslaw.com  
*Counsel for Plaintiff*

Jason R. Harris, Esq.  
Cranfill Sumner, LLP  
P. O. Box 1950  
Wilmington, NC 28402  
jharris@cshlaw.com  
*Counsel for Defendant Coastal Mechanical  
Systems, LLC*

Lynn K. Brugh, IV, Esq.  
John Arch Irvin, Esq.  
Williams Mullen  
200 South 10th Street, Suite 1600  
Richmond, Virginia 23219  
lbrugh@williamsmullen.com  
jirvin@williamsmullen.com  
*Counsel for Defendant Metro Machine Corp.  
dba General Dynamics NASSCO-Norfolk*

James L. Chapman, IV, Esq.  
Alexander Ryan McDaniel, Esq.  
Crenshaw, Ware & Martin, PLC  
150 West Main Street, Suite 1923  
Norfolk, VA 23510-2111  
757-623-3000 - Phone  
757-623-5735 - Fax  
jchapman@cwm-law.com  
amcdaniel@cwm-law.com  
*Counsel for Defendant KD Shipyard Repairs,  
LLC*

Malinda R. Lawrence, Esq.  
Darren E. Myers, Esq.  
United States Department of Justice, Civil  
Division, Torts Branch, Aviation, Space &  
Admiralty Litigation  
175 N Street N.E., 8th Floor  
Washington, DC 20002  
Malinda.R.Lawrence@usdoj.gov  
Darren.E.Myers@usdoj.gov

Garry D. Hartlieb, Esq.  
United States Attorney's Office  
101 West Main Street, Suite 8000  
Norfolk, VA 23510  
garry.hartlieb@usdoj.gov  
*Counsel for Defendant United States of  
America*

Dustin Mitchell Paul, Esq.  
Allison M. Mentch, Esq.  
Woods Rogers Vandeventer Black, PLC  
101 West Main Street, Suite 500  
Norfolk, VA 23510  
Dustin.Paul@wrvblaw.com  
alli.mentch@wrvblaw.com  
*Counsel for Defendant Advanced Integrated  
Technologies, LLC*

Christopher Alan Abel, Esq.  
Willcox & Savage, P.C.  
Wells Fargo Center  
440 Monticello Avenue, Suite 2200  
Norfolk, VA 23510  
cabel@wilsav.com  
*Counsel for Defendant Harbor Industrial  
Services, Inc.*

/s/W. Benjamin Woody

W. Benjamin Woody (VSB No. 91306)  
Harman, Claytor, Corrigan & Wellman  
1900 Duke Street, Suite 210  
Alexandria, Virginia 22314  
804-747-5200 - Phone  
804-747-6085 - Fax  
bwoody@hccw.com

Stanley P. Wellman (VSB No. 27618)  
Dannel C. Duddy (VSB No. 72906)  
Counsel for CECO Environmental Corporation  
Harman, Claytor, Corrigan & Wellman  
P.O. Box 70280  
Richmond, Virginia 23255  
804-747-5200 - Phone  
804-747-6085 - Fax  
swellman@hccw.com  
dduddy@hccw.com